

ATTACHMENT 71

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SURGICAL INSTRUMENT SERVICE)
COMPANY, INC.,)
)
Plaintiff,)
)
vs.) Case No.
) 3:21-CV-03496-VC
INTUITIVE SURGICAL, INC.,)
)
Defendant.)
-----)

VIRTUAL VIDEOCONFERENCE VIDEO-RECORDED
DEPOSITION OF GREG POSDAL, 30(B)(1)

Tuesday, November 1, 2022
Remotely Testifying from Phoenix, Arizona

Stenographically Reported By:
Hanna Kim, CLR, CSR No. 13083
Job No. 5541334-B

1 No -- yeah. Is it -- no, 41 years.

2 40 years. I don't know.

3 Q. I think it's around 40.

4 What was your role when you first joined

5 SIS? 11:19:22

6 A. I was in a -- a repair role and kind of a

7 research and development role. We added services.

8 I added services to what we were currently

9 repairing.

10 Q. When did you become president and CEO? 11:19:34

11 A. 2000, I think.

12 Q. Who was the president and CEO prior to

13 you?

14 A. Robert Posdal, my father.

15 Q. Describe for me SIS's business at -- at 11:19:47

16 the present.

17 A. At the present, the great majority of our

18 business is -- is repair business, among a number of

19 different disciplines.

20 Q. What disciplines does SIS provide repair 11:20:06

21 services in?

22 A. Stainless steel instrumentation, specialty

23 instrumentation, frigid endoscopes, flexible

24 endoscopes, orthopaedic power instrumentation, video

25 instruments, and miscellaneous instruments. I think 11:20:25

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1 A. I do.

2 Q. Do you also receive dividends or other
3 profits from SIS?

4 A. I can.

5 Q. How often do you receive dividends or -- 11:28:21
6 or profits from SIS?

7 A. Not often. It's mostly salary.

8 Q. Does SIS have any form of profit-sharing
9 with its employees?

10 A. We do. 11:28:38

11 Q. Does SIS perform any services related to
12 the Senhance Surgical System?

13 A. It does not sound familiar to me.

14 Q. Does SIS perform any services related to
15 the MAKO Surgical System? 11:29:11

16 A. No.

17 Q. Apart from the Intuitive da Vinci Surgical
18 System, does SIS perform any services for other
19 robotically assisted systems?

20 A. No. 11:29:27

21 Q. When did SIS first start thinking about
22 potentially offering services related to Intuitive's
23 da Vinci systems?

24 A. A number of years ago. I can't be sure on
25 the time. Probably ten years ago. 11:29:43

1 ability to do this, I think that would have pursued
2 with far more vigor.

3 It -- it seemed crazy to invest a lot of
4 money if we didn't get past the -- Intuitive's
5 effect on the hospital and their -- their ability to 12:02:58
6 feel comfortable with -- with giving these items out
7 for chip re- -- reset without, you know, losing
8 their -- their service contracts with Intuitive.

9 Q. When did SIS start working with Restore?

10 A. Don't know the exact date, but it was 12:03:30
11 likely in the middle of 2020. It was after the
12 pandemic started rolling.

13 Q. Does SIS still have any ongoing business
14 with Rebotix, setting aside Benjamin Bi- --
15 Biomedical, but Rebotix specifically? 12:03:55

16 A. Rebotix specifically, no.

17 Q. Does SIS plan to enter into business again
18 with Rebotix specifically?

19 A. Sure. If we have multiple sources for
20 this service, we will use both of them. 12:04:07

21 Q. Does SIS still plan to perform the service
22 in-house for the Xi, once that is up and running?

23 A. I -- it -- it would be our -- our usual
24 business practice to do that.

25 Q. Under what circumstances would you not do 12:04:35

1 A. The discussion likely happened within the
2 last year. I don't know when the process took
3 place.

4 Q. When would that discussion about the FDA
5 process have -- have taken place with Chris -- Chris 13:22:08
6 Gibson?

7 MR. McCAULLEY: Objection. Foundation.

8 THE WITNESS: Unsure. Within the last six
9 months to a year, I would -- I would guess.

10	BY MR. CHAPUT:	13:22:24
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11 Q. How many times have you spoken with Chris
12 Gibson this year?

13 A. I have no way of knowing that.

14 MR. CHAPUT: I would like to introduce
15 another exhibit. Austin, this is tab 11. We have 13:22:59
16 previously marked this, and I don't have the exhibit
17 number handy, unfortunately, but I think you do.
18 Can you remind me? This is SIS 167.

19 MR. MARTIN: This is Exhibit 142.

20 MR. CHAPUT: Thank you. 13:23:38

21 (Previously marked Deposition Exhibit 142
22 was referenced.)

23 BY MR. CHAPUT:

24 Q. Mr. Posdal, Exhibit 142 is available for
25 you. We've previously marked this as a document, 13:24:19

1 single-page bearing Bates SIS000167. And you can
2 rotate the pages if you hover your mouse towards the
3 bottom of the window, Mr. Posdal.

4 A. Okay. I've got it.

5 Q. Do you recognize Exhibit 167 -- I'm sorry, 13:24:42
6 Exhibit 142?

7 A. Yes.

8 Q. What is Exhibit 142?

9 A. This appears to be a report detailing the
10 EndoWrists that we did service through Rebotix and 13:24:58
11 the customers that those were for.

12 Q. Is this a comprehensive list of the
13 EndoWrist resets that SIS performed -- or, excuse
14 me.

15 Is this a comprehensive list of the 13:25:19
16 EndoWrist resets that SIS facilitated for its
17 customers?

18 A. I believe it is.

19 Q. And I just want to make sure I'm
20 understanding some of these notations correctly. So 13:25:37
21 first, looking at the lines for Legacy Good
22 Samaritan, this is the second and third lines in the
23 chart.

24 A. Okay.

25 Q. The right-most column says, "Refurbish 13:25:50

CERTIFICATE OF REPORTER

I, Hanna Kim, a Certified Shorthand Reporter, do hereby certify:

That prior to being examined, the witness in the foregoing proceedings was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth;

That said proceedings were taken before me at the time and place therein set forth remotely via videoconference and were taken down by me in shorthand and thereafter transcribed into typewriting under my direction and supervision;

I further certify that I am neither counsel for, nor related to, any party to said proceedings, not in anywise interested in the outcome thereof.

Further, that if the foregoing pertains to the original transcript of a deposition in a federal case, before completion of the proceedings, review of the transcript [x] was [] was not requested.

In witness whereof, I have hereunto subscribed my name: November 15, 2022.



Hanna Kim, CLR, CSR No. 13083